

EXHIBIT 10

Confidential Pursuant to Protective Order

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 KEVIN RISTO, on behalf of)
himself and all others)
4 similarly situated,)
)
5 Plaintiff(s),)
)
6 vs.) Case No.:
) 2:18-cv-07241-CAS-PLA
7 SCREEN ACTORS GUILD-AMERICAN)
FEDERATION OF TELEVISION AND)
8 RADIO ARTISTS, a Delaware)
corporation; AMERICAN)
9 FEDERATION OF MUSICIANS OF THE)
UNITED STATES AND CANADA, a)
10 California nonprofit)
corporation; et al.,)
11)
Defendants.)
12 _____)
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15 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
16 VIDEOTAPED DEPOSITION OF
17 RAYMOND HAIR
18 Appearing Remotely From
19 Denton, Texas
20 Wednesday, February 24, 2021
21
22
23

24 Stenographically reported by:
EMILY SAMELSON, CSR No. 14043
25 Golkow Job No.: 269544

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UNITED STATES AND CANADA, a)
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Defendants.)
12 _____)
13
14
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16

17 Videotaped Deposition of RAYMOND HAIR,
18 taken on behalf of Plaintiff(s), all parties
19 appearing remotely, commencing at 9:13 a.m. and
20 ending at 4:36 p.m. on Wednesday, February 24, 2021,
21 stenographically reported before Emily Samelson,
22 CSR No. 14043.
23
24
25

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1 A P P E A R A N C E S:

2 (All appearances appearing remotely)

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22 Also Present: Jennifer Garner, Esq., and Russell
Naymark, Esq., In-house Counsel for
23 American Federation of Musicians

24 Videographer: David Kim

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1 appropriate for the Fund to pay a fee to the unions
2 for the data and services it was providing to the
3 Fund?

4 A Not specifically that I can recall.

5 Q Do you recall whether Dennis ever made that
6 inquiry of Ms. Polach when you were present?

7 A I don't know what Dennis did.

8 Q When you were present, I was saying.
9 Obviously, I'm not asking you to state what Dennis
10 did.

11 But when you were -- when you were present
12 with Ms. Polach, do you ever recall a conversation
13 that someone, whether it was you or Dennis or
14 someone else, asked Ms. Polach whether such a fee
15 was appropriate?

16 MR. THOMAS: Object to the form. Vague.

17 But you can answer it.

18 THE WITNESS: I don't recall.

19 BY MR. KIESEL:

20 Q Did you ever make a request of Ms. Polach
21 whether it was appropriate for AFM to make the
22 request to the union?

23 A I can't recall.

24 Q Do you know, Mr. Hair, how it was the
25 3 percent number was arrived at? There's been

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1 testimony sort of across the board of highs and
2 lows, and I'm wondering if you can shed some light
3 on that for us.

4 A I think --

5 MR. THOMAS: Object to the form.

6 But you can answer.

7 THE WITNESS: Here's the best I can do with
8 that, because I've been trying to think about it and
9 try to remember.

10 But back in 2012, you know, when we were --
11 we were beginning to discuss the idea of a service
12 fee arrangement, I remember Dennis Dreith and I
13 having a conversation where we thought that
14 a 2 percent number for each union would be
15 appropriate.

16 As a matter of fact, we -- you know, it was
17 just an informal conversation in his office at the
18 Fund. And we thought that 2 percent per union was a
19 reasonable place to be with that.

20 BY MR. KIESEL:

21 Q Do you recall how it was the 2 percent
22 number was arrived at?

23 A I can't recall exactly why that number,
24 you know, emerged, but it seemed like a reasonable
25 number. And, you know, so that would have been

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1 under the scenario that we're -- that we have now,
2 that would have been 4 percent.

3 Q Right. I was going to say, that would have
4 been a 4 percent number based upon --

5 A Right.

6 Q -- now it's 1 1/2 to 1 1/2. It would have
7 been 2 and 2 to 4?

8 A Yes. But, you know, we just -- we just
9 sort of kept talking about it together. And like I
10 said, I can't remember any specific conversation
11 about it with the group, but it was sort of a group
12 thing where we sort of talked it to 3 percent.

13 But, you know, there was a time when
14 Dennis and I were in his office and we thought that
15 2 percent to AFM and 2 percent to SAG-AFTRA was the
16 right -- the right place to be.

17 Q And is it fair to say that when these
18 discussions were happening in 2012, the amount of
19 funds recovered by the Fund in 2012 were
20 substantially less than they were, by example,
21 in 2018?

22 MR. THOMAS: Object to the form. Vague.
23 But you can answer.

24 THE WITNESS: There was less -- there was
25 less money being collected and distributed in 2012

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is an accurate transcription thereof.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a federal
14 case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any of the parties.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21

22 Dated: 9th of March, 2021

23

24



EMILY SAMELSON,

25

CSR No. 14043